

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARILYN BYRNE,
Plaintiff

V.

BOSTON MUTUAL LIFE INSURANCE
COMPANY,
Defendant

CIVIL ACTION NO. 05-10663GAO

MOTION TO EXTEND TIME

The defendant, Boston Mutual Life Insurance Company (“Boston Mutual”), pursuant to Federal Rule of Civil Procedure 6(b), requests that the time within which it may file a responsive pleading to the complaint in this case be enlarged from May 2, 2005 to May 31, 2005.

As grounds for this motion, Boston Mutual states that this is a case in which benefits are claimed under an employee benefit plan governed by ERISA. The claim file is extensive and further time is required in order to prepare and file an appropriate response to the allegations contained in the plaintiff’s complaint. No prior extensions have been requested.

BOSTON MUTUAL LIFE INSURANCE
COMPANY

By its attorneys,

/s/ Joseph M. Hamilton

Joseph M. Hamilton, BBO #546394
Elizabeth L. B. Greene, BBO #561456
Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608-1477
Phone: (508) 791-8500
Fax: (508) 791-8502

Dated: May 2, 2005

RULE 7.1 CERTIFICATION

I, Joseph M. Hamilton, certify that prior to filing this motion I attempted to confer with plaintiff's counsel regarding this motion. I called plaintiff's counsel on April 28, 2005 and sent a letter by facsimile and regular mail on April 29, 2005 requesting additional time to respond to the complaint. No response was received to either communication.

/s/ Joseph M. Hamilton

Dated: May 2, 2005

Joseph M. Hamilton

CERTIFICATE OF SERVICE

I, Joseph M. Hamilton, hereby certify that I have this day served a copy of the foregoing document, by regular mail, to Richard K. Latimer, Esq., Kistin Babitsky Latimer & Beitman, Box 590, 13 Falmouth Heights Road, Falmouth, MA 02541.

/s/ Joseph M. Hamilton

Dated: May 2, 2005

Joseph M. Hamilton